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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,641	10/24/2003	Alfred Langerak	05032-00042	8893

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EXAMINER

GRAY, LINDA L

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,641

Applicant(s)

LANGERAK

Examiner

Linda L Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Detailed Action

Claim Rejections - 35 USC § 112

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. **Claims 24 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 14, "and the like" (L 2) renders claim 14 indefinite because the limits of "the like" are not defined in the claim or specification such that it is not clear what is encompassed by this phrase.

Claim 20, "the flat" (L 1) lacks antecedent basis such that the requirement for claim 20 is unclear.

Claim Rejections - 35 USC § 103

3. **Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,176,409) or Urushizaki (US 4,097,328) in view of Chandaria (US 2004/0195130 A1).**

Claim 13, Lee teaches an apparatus for dispensing adhesive tape 400, provided with housing 100 and receiving means 101 for receiving a supply roll of adhesive tape 400 and guiding means 200 for, during use, feeding to and through the dispense opening 104 a leading end of adhesive tape 400 unwound from the supply roll, wherein cutting means 330 are provide for cutting adhesive tape 400 from the supply roll brought outside the dispense opening 104, wherein operating means 310 is provided for moving the cutting

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means 330 between a first position largely retracted in the housing 100 and a second, cutting position, wherein the cutting means 330 can be brought into contact with the adhesive tape 400 fed into and/or through the dispense opening 104 (c 2, L 35-42; c 3, L 44, to c 4, L 2; c 4, L 39-42; c 5, L 42-51).

Urushizaki teaches an apparatus for dispensing adhesive tape 2, provided with housing and receiving means 1a for receiving a supply roll of adhesive tape 2, a guiding means 11 for, during use, feeding to and through the dispense opening 10 a leading end 2a of adhesive tape 2 unwound from the supply roll, wherein cutting means 15 are provide for cutting adhesive tape 2 from the supply roll brought outside the dispense opening 10, wherein operating means 7 is provided for moving the cutting means 15 between a first position largely retracted in the housing and a second, cutting position, wherein the cutting means 15 can be brought into contact with the adhesive tape 2 fed into and/or through the dispense opening 10.

Claim 13, Lee and Urushizaki do not teach their apparatus to be substantially manufactured from metal parts.

However, adhesive tape dispensers of metal parts are conventional (see Chandaria para 0006) for such are durable, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Lee and Urushizaki.

4. Claims 17-18, 2-9, 12, 14-15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Lorincz et al. (US 4,891,090).

Claim 17, the above discussion of Lee applies herein.

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***Claim 17**, Lee does not teach that the receiving means 101 to include first receiving elements and the supply roll includes a core with second receiving elements, wherein the first and second receiving elements are tailored to each other such that the supply roll can only be inserted with the core onto the receiving element in one position.*

However, it is conventional to provide a core and a receiving means with mating elements to hold the core tightly in position (see Lorincz et al. at c 5, L 3-31; projections 60 and indentations 62), and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for the same in Lee.

Claim 2, the cutting means 330 is biased in the first position via resilient member 321. **Claim 3**, in the first and second positions the cutting means 330 extends virtually completely with the housing 100. **Claims 4 and 20**, the housing 100 is provided with locking means 300 for at least partly confining the supply roll within the housing 100, wherein blocking means is provided for the cutting means 330 and/or the operating means 310 thereof, which blocking means is designed such that the locking means 300 can only be opened and/or taken away (i.e., moved right) when the cutting means 330 has been brought into the first position. Note the blocking means is shown as the fork-shaped item that pivots on item 107. **Claims 5 and 7**, the housing 100 includes a flap, wherein the blocking means can be operated by the flap where the flap includes the outward projections surrounding operating means 310, projecting outward from locking means 300. As shown in Figure 8b, the blocking means prevents the flap from operating before the cutting means has been brought into the first position. **Claim 6**, by operating the blocking means (i.e., by moving the flaps), the operating means 310 for the cutting means 330 is blocked meaning such is blocked into the position shown in Figure 8b until the locking means 300 is released to its original position. **Claim 8**, the guiding means 220 includes at least one driven roller with which, during use, adhesive tape 400 can be moved in the direction of and through the dispense opening 104. **Claim 9**, a driving mechanism 220 is provided for manually driving the at least one driven roller. **Claim 12**, the housing 100 includes a handle (bottom right) and body (other portions) wherein the receiving means 110 for the supply roll is provided in the handle and the operating means 310 substantially in the body. **Claim 14**, the guiding means 220 is provided in the body. Note that the other limitation of claim 14 is written as an intended use limitation which is not written to provide a structural limitation to the claimed apparatus. **Claim 15**, the cutting means 330 includes a knife 340, received in a substantially straight guide 340 which is substantially linearly movable between the first and the second position. **Claim 18**, Lee teaches that the receiving means 101 includes a stud onto which the core of the supply roll can be slipped, wherein the housing includes a cover 110 which can be closed over the supply roll, which cover, in closed position, is located at a relatively small distance from the core.

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5. Claims 17-18, 2-9, 12, 14, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urushizaki in view of Lorincz et al.

Claim 17, the above discussion of Urushizaki applies herein.

***Claim 17**, Urushizaki does not teach that the receiving means 1a to include first receiving elements and the supply roll includes a core with second receiving elements, wherein the first and second receiving elements are tailored to each other such that the supply roll can only be inserted with the core onto the receiving element in one position.*

However, it is conventional to provide a core and a receiving means with mating elements to hold the core tightly in position (see Lorincz et al. at c 5, L 3-31; projections 60 and indentations 62), and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for the same in Lee and Urushizaki.

Claim 2, the cutting means 15 is biased in the first position via item 7. **Claim 3**, in the first and second positions the cutting means 15 extends virtually completely with the housing. **Claims 4 and 20**, the housing is provided with locking means 17 for at least partly confining the supply roll within the housing, wherein blocking means is provided for the cutting means 15 and/or the operating means 7 thereof, which blocking means is designed such that the locking means 17 can only be opened and/or taken away when the cutting means 15 has been brought into the first position. Note the blocking means is shown as 13. **Claims 5 and 7**, the housing includes a flap 12, wherein the blocking means 13 can be operated by the flap 12 where. As shown in the drawings, the blocking means 13 prevents the flap 12 from operating before the cutting means has been brought into the first position. **Claim 6**, by operating blocking means 13 (i.e., moving disc 12 from that position in Figure 2 to that of Figure 3), the operating means 7 for the cutting means 15 is blocked meaning such is blocked into the position shown in Figure 3.

Claim 8, the guiding means 9 includes at least one driven roller with which, during use, adhesive tape 2 can be moved in the direction of and through the dispense opening 10. **Claim 9**, a driving mechanism 220 is provided for manually driving the at least one driven roller. **Claim 12**, the housing includes a handle (top portion) and body 3 wherein the receiving means 1a for the supply roll is provided in the handle and the operating means 7 substantially in the body 3. **Claim 14**, the guiding means 9 is provided in the body. Note that the other limitation of claim 14 is written as an intended use limitation which is not written to provide a structural limitation to the claimed apparatus. **Claim 16**, the receiving means 1a for the supply roll are fastened to a base plate 1a which is movable relative to the housing, wherein pressure roller 9 is connected to the base plate 1a for pressing on adhesive tape 2 extending along the pressure roller 9, the pressure roller 9 being arranged for pushing the adhesive tape 2 through the dispense opening 10.

Claim 18, Lee and Urushizaki teach that the receiving means 101 (1a) include a

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stud onto which the core of the supply roll can be slipped, wherein the housing includes a cover 110 (5) which can be closed over the supply roll, which cover, in closed position, is located at a relatively small distance from the core.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Schriever (US 3,870,211) or Miller (US 2,424,486) or Kier (US 2,961,736).

Claim 19, the above discussion of Lee applies herein.

***Claim 19**, Lee does not teach that at least two receiving position for supply rolls of tape 400 are provided in housing 100 where tape 400 can be pulled from any roll at will.*

However, Schriever or Miller or Kier each teach a multiple-unit tape dispenser where there are multiple receiving positions for supply rolls of tape providing in a single housing wherein the tape can be pulled from any roll at will. The tapes are different and depending upon the use of the tapes, different ones will be pulled.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Lee that at least two receiving positions for supply rolls of tape 400 are provided in housing 100 where tape 400 can be pulled from any roll at will because Schriever or Miller or Kier each teach that such allows one versatility in that different tapes can be provided and then used according to a specific purpose.

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee or Urushizaki in view of Collins (US 4,330,357).

Claims 10-11, the above discussions of Lee and Urushizaki apply herein.

***Claims 10-11**, Lee and Urushizaki do not teach sterilizing their apparatus where the applied tapes 400 and 2, respectively, are on or adjacent the skin of an individual.*

Collins teaches the concept of adhesive tape dispensers housing medical tape for application where the dispenser must be sterilized before use (c 1, L 47-57; c 4, L 43, to c 5, L 2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Lee or Urushizaki that tapes 400 and 2 be medical tape applied or adjacent the skin of an individual because Collins teaches in the

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concept of adhesive tape dispensers, where the apparatuses of Lee and Urushizaki are generic adhesive tape dispensers, housing medical tape for application, where the combination suggests sterilizing the dispensers as taught by Collins which prevents contaminants from transferring to the individual.

Note that the limitation of "for medical application" (L 3, claim 10), although taught by the combined prior art, is written as an intended use limitation of the claimed apparatus.

Response to Applicant's Comments

8. Applicant's response filed 11-12-04 has been fully considered. References have been applied as requested by Applicant to support previous statements made by the Examiner in the prior Office action. The rejection of claims 10-11 and 19 are new rejections based upon the amendment filed 11-12-04.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this action is made final. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg

February 7, 2005


LINDA GRAY
PRIMARY EXAMINER